



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,805	08/11/2000	Joseph G. Wirtz	1925.0040000/JRK/KPP	9228

7590 01/02/2003
APEX INTERACTIVE, INC.
P. O. BOX 695
GERMAN TOWN, WI 53022

EXAMINER

GARG, YOGESH C

ART UNIT PAPER NUMBER

3625

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,805

Applicant(s)

WIRTZ ET AL.

Examiner

Yogesh C Garg

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-14, 16-20, 22, 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman et al. (US Patent 5,960,411), and further in view of web pages from web site www.airnet.com extracted from Internet on March 22, 2000, received with IDS, paper number 4, pages 13, hereinafter referred to as Arinet.

Hartman teaches a method, a system and a computer program product for permitting a user to order merchandise on a client that communicates with two or more servers, the servers responding to on-demand requests for a web page containing promotional items of merchandise, wherein the server sends to the client the web page and an auxiliary file containing descriptive data related to the items, comprising receiving, at the client, the web page and the auxiliary file, to produce description of the promotional item on a graphical user interface coupled to the client and configured to receive input from the user, displaying the descriptive data related to the promotional item and the descriptive data is implemented in response to a pointer linked to an input device being moved over one of the promotional items sending a purchase request to

the server to purchase the promotional item sent to the selection panel in response to an order request from the user, synchronizing the selection panel with a duplicate of the selection panel located on the server, receiving a confirmation signal from the server to verify that the promotional item has been added to a duplicate panel of the selection panel, allowing to delete items from the selection panel and the selection panel provides a metaphorical shopping cart, shopping basket or trolley (see at least col.1, lines 10-65, "... *The Internet comprises of a vast number of computers and computer networksinterconnected computers exchange information using.....the World Wide Web.....WWW allows a server computer system....send graphical Web pages of information to a remote client computer system.....When the client computer system receives that Web page, it typically displays the Web page using a browser.....The HTML document contains various tags that control the displaying of text, graphics.....Many web servers have been developed through which vendors can advertise and sell product*", col.2, line 17-col.4, line 58, "... *The selection of the various items...based on the "shopping cart" model.....server system metaphorically adds that item to a shopping cart....*", and FIGS. 1A, 1B, 1C, 2, 3, 4. Note: the term promotional does not lend a patentable weight towards the structure of the system claimed. In Hartman, the products from advertising vendors (col.1, lines 47-49) relate to promotional items. Also selection panel in claim relates to shopping cart in Hartman.).

Hartman does not disclose a graphic depiction producing a parts explosion image of the promotional item and that by clicking an item it can be dragged and dropped in the selection panel. However, Arinet expressly discloses a graphic depiction

producing an explosion image of items and further discloses using drag-and-drop tools to pick items and drop elsewhere (see at least page 5, page 6-Figure, and pages 9-13. In view of Arinet it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Hartman to discloses a graphic depiction producing an explosion image of items and use of drag-and drop tools. Doing so would help users to visually see and correctly order the items conveniently, as suggested in Arinet (see at least page 6 Figure's Text under "Image Server").

3. Claims 3,15,21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman/Arinet and further in view of Bernhardt et al. (US Patent 6,496,208), hereinafter referred to as Bernhardt.

With regards to claims 3, 15, 21, and 23 Hartman/Arinet teaches a method, a system and a computer program product to order a merchandize on a client that communicates with the server and the server sends a file data displaying the description of the items being sold as disclosed in claims 1, 14, 18, and 22 respectively and analyzed above. Hartman/Arinet does not teach that when a item is pointed at to select it, it is displayed in different colors and each different color indicates a different property related to that item, for example, one color represents that the item may have a subassembly, another color may indicate that it has no further subassembly, and further another color may indicate that its price is discounted. However, as per information generally available it is well known practice to use color-coding while displaying data or information on computer screens to differentiate the information represented by each

color, e.g., while displaying the performance of companies, stocks green and red colors indicate profits and loss respectively. Bernhardt expressly teaches the use of color-coding and color intensity to represent different values of data/information (see at least, abstract, Figs. 5 and 5A, col. 3, lines 7-14, col.5, lines 28-38, and col.6, line 48-col.7, line 40). In view of the knowledge generally available and as expressed in Bernhardt it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Hartman/Arinet to use color coding in describing the parts on computer screens to represent different characteristics about them.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US PUB.No. US 2002/0055878 A1 to Burton et al. discloses a system and method for ordering items, viewing catalogs, displaying graphically the description of items, using the tools of pointing, clicking, dragging and dropping, client and server architecture, use of plurality of servers.

(ii) US PUB.No. US 2002/0054059 A1 to Schneiderman a software for annotating images by using the drag and drop tool.

(iii) Business editors, "ARI Signs First RV Industry Supplier to Complete Dealer System; Contract with Workhorse Custom Chassis Opens New, But Related Market for ©ARI", Business Wire; New York; Feb 23, 1999 and Business editors and High-Tech

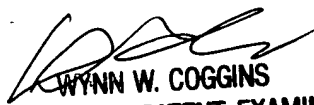
Writers, " Cerplex releases enhanced version of the PartSmart Network; Access to More Than 16 Million Computer Parts and Supplies Now Available From the E-Commerce Service", Business Wire; New York; Dec 02, 1999 extracted from Internet <http://proquest.umi.com> on 12/22/2002 disclose ordering merchandise on Internet based upon client server architecture allowing users to view parts images graphically.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F (8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Yogesh C Garg
Examiner
Art Unit 3625


WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Application/Control Number: 09/635,805

Art Unit: 3625

Page 7

YCG

December 30, 2002